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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,725	06/23/2003	Peter A. Petrone	16467	8709

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EXAMINER

MULLER, BRYAN R

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,725

Applicant(s)

PETRONE ET AL.

Examiner

Bryan R Muller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: The end of last sentence reads, "from a lowered position for engaging and disengaging from a load to a fully raised position". The examiner believes that the statement was intended to be written as follows: "from a lowered position for engaging and disengaging a load a fully raised position". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jesswein (6,010,299) in view of Hamlin (2,643,779) and Mortimore (Pub. No. 2001/0026756).

2. Jesswein discloses a lift apparatus for supporting motorcycles and small vehicles comprising a ground engaging base frame (1) having a pair of spaced apart upwardly extending posts (7) and a pair of generally horizontally extending legs (2) with ground engaging roller assemblies attached to their outer ends, said legs each having an inner end adjacent one of said posts and an outer end, said leg inner ends being spaced a

first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart, a pair of parallelogram linkages, each said linkage having an upper link, a lower link extending generally parallel to said upper link an outer link, and an inner link formed by a portion of an associated one of said posts, said upper link being connected by first and second pivot means (each including an axle about which, at least one of said links pivots) to said inner and outer links respectively, said lower link being connected by third and fourth pivot means (each including an axle about which, at least one of said links pivots) to said inner and outer links respectively, a support means including a pair of spaced apart support arms attached to said outer links capable of supporting a vehicle and a manually actuated hydraulic actuator that acts as an actuator means having a lower end pivotally connected to said base frame and an upper end pivotally connected to said lower links whereby extension of said actuator means raises said vehicle support means between a lowered position for engaging and disengaging from a vehicle and a fully raised position. Jesswein, however, does not disclose that the second predetermined distance between leg outer ends is greater than said first predetermined distance between leg inner ends or that the base frame includes a pair of ground engaging caster assemblies or that the support means is attached at one end to a lower end of each of said outer links and has a free end extending away from said linkages. Hamlin discloses an automobile transmission handling jack that is formed to have a stable base (col. 1, lines 23-25) consisting of a base with a pair of generally horizontally extending legs, said legs each having an inner end and an outer end, said leg inner ends being spaced a first predetermined distance apart and said leg outer

ends being spaced a second predetermined distance apart greater than said first predetermine distance. Hamlin also discloses that the base is caster-wheel-mounted for movability (col. 2, line 17). Mortimore discloses a vehicle lift using parallel linkages and a manually operated actuator wherein the vehicle support means (16) is attached at one end to a lower end of an outer link (60), has a free end extending away from said linkages and includes a pair of spaced apart support arms (100 and 102). The arrangement disclosed by Mortimore allows the support means to be positioned closer to the ground, thus making it easier to place a vehicle on the support without needing to lift the vehicle into place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to space the outer end of the legs in the invention of Jesswein further apart than the inner ends to increase stability of the base structure and to replace the base mounted wheels of Jesswein with casters to increase the movability of the lifting apparatus as taught by Hamlin. It also would have been obvious to replace the support means of Jesswein with the support means of Mortimore and connect the support means to the lower end of the outer linkages to allow for easy placement of a vehicle on the support means.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jesswein ('299), Hamlin ('779) and Mortimore ('756) as applied to claim 1 above and further in view of Butts ('203).

4. Jesswein, Hamlin and Mortimore disclose a lifting apparatus as discussed supra but fail to provide padding on the load supporting surface of the support arms. Butts discloses a jack for light aircraft and provides a resilient pad to the aircraft engaging

portion of the jack to distribute loading on the aircraft surfaces and protect the aircraft from damage. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the load supporting surfaces of the support arms in Jesswein's invention to distribute loading and prevent damage to the motorcycle or small vehicle being lifted by the lifting apparatus.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jesswein ('299), Hamlin ('779) and Mortimore ('756) as applied to claim 1 above and further in view of Rishovd ('183).

6. Jesswein, Hamlin and Mortimore disclose a lifting apparatus as discussed supra but fail to provide handles attached to an upper end of each post. Rishovd discloses a vehicle jack with a main upright post that has a handle attached to either side near the top of the post. Rishovd teaches that the jack is wheeled into the proper lifting position relative to a vehicle by means of the handles mounted near the top of the cylinder (col. 3, lines 26-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide each of the posts in Jesswein's invention with handles in order for the invention to be properly positioned.

7. Claims 8-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Styles (5,356,214) in view of West (5,372,353), Hamlin ('779) and Mortimore ('756).

8. In reference to claim 8, Styles discloses a lift apparatus comprising a ground engaging base frame having a generally horizontally extending central beam (18) with a

pair of spaced apart upwardly extending posts (68) and a pair of generally horizontally extending legs (73) fixedly attached to said central beam, said legs each having an inner end adjacent one of said posts and an outer end, said leg inner ends being spaced a first predetermined distance apart and said leg outer ends being spaced a second predetermined distance apart, a pair of parallelogram linkages (44 and 46), each said linkage having an upper link (44), a lower link (46) extending generally parallel to said upper link, an outer link (28), and an inner link formed by a portion of an associated one of said posts, said upper link being connected by first and second pivot means (80) to said inner and outer links respectively, said lower link being connected by third and fourth pivot means (80) to said inner and outer links respectively, a support means (32) attached to said outer links and an actuator means (74) having a lower end indirectly pivotally connected to said base frame through the upwardly extending posts, and an upper end pivotally connected to said lower links whereby extension of said actuator means raises the support means between a lowered position for engaging and disengaging from a vehicle and a fully raised position. Styles however, fails to disclose that the horizontally extending central beam has an associated one of a pair of generally vertically extending intermediate beams fixedly attached at each end thereof, each said intermediate beam having an upper end with an associated one of a pair of generally horizontally extending end beam beings fixedly attached thereto, that the second predetermined distance between the outer ends of the legs is greater than the first predetermined distance between the inner ends of the legs, or that the support means may be a vehicle support. West discloses a lift wherein the base comprises a

horizontally extending central beam (86) having an associated one of a pair of generally vertically extending intermediate beams (36) fixedly attached at each end thereof, each said intermediate beam having an upper end with an associated one of a pair of generally horizontally extending end beam (34) beings fixedly attached thereto with casters attached to the lower side of each of the end beams. The arrangement provided by West allows for the base frame to be closer to the ground, thus lowering the center of gravity and making the lift more stable while allowing space between the frame and the ground for casters with larger diameter wheels to make the apparatus more easily maneuverable. Hamlin discloses the automobile transmission handling jack, as discussed supra having a stable base (col. 1, lines 23-25) that is caster-wheel-mounted for movability (col. 2, line 17). Mortimore discloses the vehicle lift, as discussed supra that allows the support means to be positioned closer to the ground, thus making it easier to place a vehicle on the support without needing to lift the vehicle into place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the central beam of Styles with a pair of vertically extending intermediate beams fixedly attached at each end thereof, each said intermediate beam having an upper end with an associated one of a pair of generally horizontally extending end beam beings fixedly attached thereto with casters attached to the lower side of each of the end beams, as taught by West, to improve stability and make the lift easier to maneuver. It also would have been obvious to make the distance between the outer ends of the legs greater than the distance between the inner ends of the legs to further improve stability, as taught by Hamlin, and to replace the support

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member of Styles with that of Mortimore to allow the lift of Styles to lift vehicles such as motorcycles from a low point on the ground that would have made it easier to load a vehicle onto the support.

9. In reference to claim 9, the lift of Styles provides an axle (80) for each of the first through fourth pivot means.

10. In reference to claim 10, the obvious alteration to the base of Styles, as taught by West, provides casters (28) to the outer ends of each of the end beams to allow for maneuverability.

11. In reference to claim 11, the lift of Styles provides for ground engaging roller assemblies attached to the outer end of the legs.

12. In reference to claim 12, the obvious alteration to the support of Styles, as taught by Mortimore, includes a pair of spaced apart support arms (100 and 102).

13. In reference to claim 15, the lift of Styles provides a manually actuated hydraulic actuator.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Styles (5,356,214), West (5,372,353), Hamlin ('779) and Mortimore ('756) as applied to claim 8 above and further in view of Butts ('203).

15. The combination of Styles, West, Hamlin and Mortimore discloses the lifting apparatus as discussed supra but fails to provide padding on the load supporting surface of the support arms. As discussed supra, Butts discloses a jack that provides a resilient pad to the engaging portion of the jack to distribute loading protect from

damage. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the load supporting surfaces of the support arms in the combination of Styles, West, Hamlin and Mortimore to distribute loading and prevent damage to the motorcycle or small vehicle being lifted by the lifting apparatus.

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Styles (5,356,214), West (5,372,353), Hamlin ('779) and Mortimore ('756) as applied to claim 8 above and further in view of Rishovd ('183).

17. The combination of Styles, West, Hamlin and Mortimore discloses the lifting apparatus as discussed supra but fails to provide handles attached to an upper end of each post. Rishovd discloses the vehicle jack, as discussed supra with a main upright post that has a handle attached to either side near the top of the post. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide each of the posts in combination of Styles, West, Hamlin and Mortimore with handles in order for the invention to be properly positioned.

18. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Styles (5,356,214), West (5,372,353), Hamlin ('779) and Mortimore ('756) as applied to claims 8-12 and 15 above and further in view of Butts ('203) and Rishovd ('183).

19. The combination of Styles, West, Hamlin and Mortimore discloses the lifting apparatus as discussed supra but fails to provide padding on the load supporting surface of the support arms or provide handles attached to an upper end of each post.

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Butts and Rishovd disclose the jacks discussed supra and advantages to providing padding on the load supporting surface of the support arms and handles attached to an upper end of each post. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Styles, West, Hamlin and Mortimore with padding on the load supporting surfaces of the support arms to protect the vehicles being lifted, as taught by Butts, and to provide handles on the to both upright posts to allow the lifting apparatus to be easily positioned, as taught by Rishovd.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R Muller whose telephone number is (703)305-0487. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail III can be reached on (703)308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRM

1/25/2005

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A handwritten signature in black ink, appearing to read "Joseph J. Hail, III". The signature is stylized with a large initial "J" and a prominent "H".

Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700